

PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

124

Application Number

10/809,812

Filing Date

March 26, 2004

First Named Inventor

Kunihiko KANAI

Art Unit

Not Yet Assigned

Examiner Name

Not Yet Assigned

Attorney Docket Number

524642002200

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☒ Reply to Missing Parts/
Incomplete Application☐ Reply to Missing Parts under
37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication
to TC☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please
Identify below):Return Receipt Postcard
Notice to File Corrected Application
Papers (copy)

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

MORRISON & FOERSTER LLP

Signature

Printed name

Barry E. Bretschneider

Date

December 29, 2004

Reg. No.

28,055



Docket No.: 524642002200
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Kunihiko KANAI

Serial No.: 10/809,812

Filing Date: March 26, 2004

For: FOCAL DETECTING METHOD,
FOCUSING DEVICE, IMAGE
CAPTURING METHOD AND IMAGE
CAPTURING APPARATUS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Corrected Application Papers dated December 23, 2004, applicant attaches a complete copy of the specification, claims and abstract of this application as originally filed on March 26, 2004. The Office is authorized to treat the attached specification, claims and abstract as a substitute specification in accordance with 37 CFR 1.52, 1.121(b)(3) and 1.125. Since this substitute specification is identical to the application as filed, it is not necessary to provide markings showing deleted and added matter.

The Notice to File Corrected Application Papers is otherwise respectfully traversed in part. Applicant attaches to this response an amended abstract in marked-up and clean form, each starting on a separate sheet, showing the editorial changes necessary to conform the abstract to 37 CFR 1.72.

However, the remainder of the Notice to File Corrected Application Papers simply makes no sense when the specification of this application as filed is considered and is respectfully traversed. The specification does *not* contain drawings or flow diagrams embedded in the specification and was certainly not submitted in multiple column format. Applicant is at a loss to understand how the Office could have come to such a conclusion. Applicant respectfully submits that this portion of the Notice to File Corrected Application Papers must have been intended for a different application and requests its withdrawal.

Early favorable action in accordance with the foregoing is solicited. If any discrepancies or informalities in this application remain after consideration of this response, the appropriate office employee is respectfully requested to telephone the undersigned to discuss what further corrections, if any, need be made.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 524642002200.

Dated: December 29, 2004

Respectfully submitted,

By 

Barry E. Bretschneider

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DEC 29 2004

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/809,812	03/26/2004	Kunihiko Kanai	524642002200

Barry E. Bretschneider
 Morrison & Foerster LLP
 Suite 300
 1650 Tysons Boulevard
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CONFIRMATION NO. 7944

FORMALITIES LETTER

OC000000014814209

OC000000014814209

Date Mailed: 12/23/2004

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

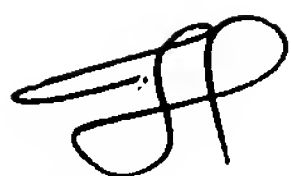
An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
 - The specification contains drawings or flow diagrams (37 CFR 1.58(a)) on page(s) different pages. Drawings or flow diagrams cannot be embedded in the specification and should be submitted separately in accordance with 37 CFR 1.84. (Both a substitute specification and substitute drawings are required).
 - The specification was submitted in multiple column format and is not suitable for electronic reproduction (see 37 CFR 1.52(a)).
- A replacement abstract not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) and 37 CFR 1.121 is required.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.



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Initial Patent Examination Division (703) 308-1202

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